

The bill was read third time, and passed by the following vote:

Yeas—24.

Beaty.	Hill.
Brachfield.	Lipscomb.
Cain.	Martin.
Faubion.	McKamy.
Faulk.	Mills.
Grinnan.	Morris.
Hale.	Paulus.
Hanger.	Perkins.
Harbison.	Savage.
Harper.	Sebastian.
Henderson.	Stafford.
Hicks.	Willacy.

Absent.

Davidson of	Douglass.
DeWitt.	Faust.
Davidson of	Patteson.
Galveston.	Wilson.
Decker.	

Senator Beaty moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE CONCURRENT RESOLUTION
NO. 8.

On motion of Senator Hicks, pending business was suspended, and the Senate took up, out of its order, House Concurrent Resolution No. 8.

The Chair laid before the Senate

House Concurrent Resolution No. 8, Providing for a joint committee to negotiate a purchase by the State of McArdle's battle painting, "The Battle of San Jacinto."

Whereas, The battle of San Jacinto, which occurred on the 21st of April, 1836, liberating Texas from the yoke of Mexican tyranny, is the most illustrious event in the history of Texas; and

Whereas, The noted artist, H. A. McArdle, whose great historical painting, "Lee at the Wilderness," was destroyed in the burning of the old capitol building in 1881, which was a total loss to the author, as well as an irreparable loss to the public, has spent nearly a score of years in gathering material and data in order to perpetuate on canvas the great victory at San Jacinto, and has devoted seven years to the execution of the work, and has completed said painting, which now, by permission of the Senate of the Twenty-seventh Legislature, hangs in the Senate chamber in the capitol building in the city of Austin; and

Whereas, A wise public policy demands that the State of Texas should possess and keep in an appropriate

place in the capitol building at Austin, a painting so valuable, not merely as a work of art, but as a treasury of Texas history not obtainable from books, and so well calculated to nurture and keep alive all the higher emotions of patriotism; and

Whereas, This great painting may pass into the hands of other parties, thereby putting it beyond the power of the State to possess it, which would be a great loss to this grand commonwealth; and

Whereas, The author is preparing and has been for a long time gathering material and data to engage in the production of another great painting as a companion piece to this one, viz., "The Fall of the Alamo," and the sale of the "San Jacinto Battle Painting" would contribute materially to a successful completion of the former; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a joint committee of ten be created, consisting of five members of the House and five members of the Senate, said committee to be appointed by the respective presiding officers of each house, whose duty it shall be to confer with the owner of said painting as to its purchase by the State, and to report the result of such investigation to the House and Senate, and to make such recommendations as said committee may see fit, with a view to incorporating in the general appropriation bill to be passed by this Legislature an appropriation to purchase said painting, provided an understanding as to its purchase can be reached.

Pending discussion of the resolution,

Senator Harbison moved that the Senate adjourn until tomorrow morning at 10 o'clock, and

Accordingly the Senate, at 12:45 p. m., adjourned until 10 o'clock a. m. tomorrow.

TWENTY-FOURTH DAY.

Senate Chamber,
Austin, Texas, Thursday, Feb. 19, 1903.

Senate met pursuant to adjournment.

President Pro Tem. Davidson of DeWitt in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Faulk.
Brachfield.	Faust.
Cain.	Grinnan.
Davidson of	Hale.
DeWitt.	Hanger.
Decker.	Harbison.
Douglass.	Harper.
Faubion.	Henderson.

Hicks.	Paulus.
Hill.	Perkins.
Lipscomb.	Savage.
Martin.	Sebastian.
McKamy.	Stafford.
Mills.	Willacy.
Morris.	Wilson.
Patteson.	

Absent.

Davidson of
Galveston.

ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.
W. E. DeLamar.
R. M. Gilmore.
Amos Wynne.
W. M. Cobb.
Eldred McKinnon.
Mrs. Laura V. Grinnan.
F. P. Smith.
Miss Lucy Lane.
C. H. Allen.
D. F. Hughes.
Frank Mullins.
C. J. Kirk.
Rev. I. S. Davenport.
Miss May Fant Odom.
J. C. Son.
Miss Georgia Sturgiss.
Mrs. Hattie Yarbrough.
Mrs. Hope M. Hawkins.
Miss Emily Holcomb.
Mrs. J. R. Van Orden.
Miss Bessie Goldstein.
W. T. Pace.
W. A. Shaw, Jr.
Lucien Goss.
J. A. Chaffe.
Charlie Lane.
Willie Gibson.
Henry Paulus.
Everett Thornhill.
Walter Savage.
Jas. Sebastian.
Willie Gray.
Jamie Snipes.
John Durst.
Will Bartley.
Reed Pierson.
Dan Edwards.
Josh Pyles.
Ellis Monroe.
Albert Hill.
Mark Marsh.
Ed Underhill.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday.

On motion of Senator Beaty, the same was dispensed with.

PETITIONS AND MEMORIALS.

Senator Decker offered the following memorial:

(Copy.)

HEREFORD, TEXAS, Feb. 7, 1903.

To the Senate and House of Representatives, Austin, Texas:

We, your citizens of Deaf Smith county, do most earnestly entreat you not to pass the bill allowing an open season, in the quarantine line.

1. This county is a breeding and not a feeding county. As it is, we have a market to the corn growing States, but we cannot take our cattle to the oil mills on account of the infected cattle south of the line. To abolish this line is to put all the cattle of the entire State into the quarantine divisions of the markets. This will cause lower price on that class, as any one knows who has been to market with his cattle. The more you force on the markets of a certain class the lower the market of that particular class.

2. We know that it would result in the loss of *millions of dollars* to this part of the State. The loss caused by death on account of our cattle being exposed to infected cattle is beyond estimates, to say nothing of the depreciation of values on account of this part of the State being thrown below the United States line. If this bill passes we know that the entire State will be quarantined. There are many citizens here who have lived below the line until the past few years. All such know that the passage of this bill means ruin to them. If this bill should become a law then this part of the State will have to ship all our cattle to market for immediate slaughter. This will practically ruin all small cattlemen in this part of this noble old State. This and adjoining counties are all settled by small cattlemen or stock farmers.

3. We know that there has been sufficient experiments to show that the tick theory is correct and it has been repeatedly demonstrated and proven that whenever our cattle or any cattle from north of the quarantine are exposed to cattle south of the line our cattle die from fever.

We trust and believe that if you will thoroughly investigate this, which you will, that you will not permit such an unjust measure to become a law. We are just as loyal citizens to this grand old State as any other part. We are unfortunate in not having the numbers.

W. A. Higgins, stockman.

T. R. Higgins, stockman.

Jno. E. Ferguson, stockman.

J. J. and J. E. Ferguson, stockmen.
 C. G. Witherspoon, nester.
 V. Witherspoon, nester.
 Hugh Witherspoon, nester.
 B. A. Witherspoon, nester.
 W. G. Ross, stockman.
 Ross W. Davis.
 T. L. Vanderburg.
 R. F. Hollaway.
 Randolph Clark.
 W. H. Russell.
 J. W. Martin.
 C. W. Dunn.
 C. F. Cardwell.
 J. C. Newman.
 C. G. Orr.
 T. D. Witherspoon, stockman.
 W. Olsen, stockman.
 T. J. Graves, stockman.
 R. J. Graves, stockman.
 S. Loveless, stockman.
 W. R. Ennis.
 J. D. Burkett, stockman.
 W. R. Couch, stockman.
 E. B. Black, stockman.
 G. E. Burns, stockman.
 Roscoe Harris, stockman.
 J. A. Fox, stockman.
 W. E. Hicks, stockman.
 C. V. Walker, stockman.
 J. C. Cox, stockman.
 T. A. Cox, stockman.
 J. J. Parwood, stockman.
 Chas. E. Harding & Co., stockmen.
 A. S. Bassett, stockman.
 T. A. Bassett, stockman.
 Taylor Bassett, stockman.
 Miss L. P. Farley, stockman.
 Chas. Hodges, stockman.
 F. C. Hutchinson, stockman.
 J. H. Weems, stockman.
 L. A. Arnold, stockman.
 H. H. Hawkins, stockman.
 D. W. Hawkins, stockman.
 J. H. Kelly, stockman.
 R. J. Kibbe, stockman.
 Ira Aten, stockman.
 C. G. Aten, stockman.
 W. S. Files, stockman.
 J. A. Files, stockman.
 W. J. Killough, stockman.
 Mrs. Emma Mercer, stockman.
 Dow Mercer, stockman.
 W. B. Beach, stockman.
 J. W. Fewell, stockman.
 J. P. Connell Ex. Co. Judge.
 G. L. Muse, stockman.
 G. M. Day, stockman.
 Jno. Day, stockman.
 A. J. Thompson, stockman.
 John A. Johnson.
 P. L. Johnson.
 C. L. Sullivan.
 Thos. L. Aten.
 W. M. Beaver.

C. E. Smith.
 J. R. Maraling.
 W. F. Stimson.
 L. R. Bassham.
 J. D. Earnest.
 D. P. Earnest.
 J. B. Forty.
 O. F. Smith.
 A. P. Sims.
 C. F. Waincott.
 J. C. Tarlton.
 J. A. Williams.
 J. H. Cardwell.
 E. W. Harrison.
 E. Robert, stockman.
 H. B. Webb, stockman.
 J. H. Canterbury, stockman.
 W. O. Fox, stockman.
 B. T. Hinton, stockman.
 S. Johnson, stockman.
 Geo. W. Dale, stockman.
 B. W. Miller, stockman.
 Rober Humphrey, stockman.
 T. D. Humphrey, stockman.
 John Humphrey, stockman.
 D. C. Stallings, stockman.
 Jno. Wyatt, stockman.
 L. W. Ricketts, stockman.
 W. H. Rayzor, stockman.
 W. A. Ricketts, stockman.
 G. W. Ricketts, stockman.
 D. R. Goss, stockman.
 C. L. Goss, stockman.
 C. S. Richards, stockman.
 G. A. Stambaugh, stockman.
 A. B. Bynum, stockman.
 G. A. Lachse, stockman.
 Robert Hare, stockman.
 L. J. Hart, stockman.
 N. E. Hard, stockman.
 Galbreath, Fox & Co., stockmen.
 C. E. Wheeler, stockman.
 H. H. Stacy, stockman.
 Allen G. Bell, stockman.
 C. E. Spath, stockman.
 T. J. Davis.
 J. T. Inmon, sheriff.
 Lewis Smith.
 C. L. Davis, county treasurer.
 S. S. Evarrts.
 J. H. Callaway.
 W. M. Sullivan.
 L. Gaugh, stockman.
 A. Martin.
 R. N. Mounts.
 C. W. Dodson.
 L. T. Alby.
 Guy Gamble.
 G. R. Jowell.
 Conner Jowell.
 Rat Jowell.
 L. R. Bradley.
 E. Carter.
 Henry Von Leiner.
 E. L. Ellis.
 J. D. Thompson.
 T. D. Hunt.

J. T. Rutherford.
J. Y. Ivy.
J. A. Derryberry.

Senator Hale offered the following petition:

SMITHVILLE, TEXAS, Feb. 18, 1903.

To the Honorable Members of the Twenty-eighth Legislature:

The undersigned wage-earners, business and professional men, and other citizens of Texas, respectfully petition your Honorable Body not to pass any resolution or bill looking to the repeal or amendment of the Constitutional provision exempting current wages from seizure by garnishment.

We respectfully submit that such legislation is aimed directly at the wage-earning class—a class that stands most in need of the protecting care of our law-makers. To be convinced that the wage-earners have been singled out for attack, you have only to observe that no other class of exemption is touched. Notwithstanding, under the present law a man may own a homestead worth more than \$100,000 and still not be liable for debts, no attempt is made to change the law. Though lawyers and doctors and artisans and farmers may claim their books, implements and tools of trade exempt, no attempt is made to change this law.

They pass by all these laws (which are often taken advantage of by dishonest tradesmen and business men) and come on down to the poor working man, who probably has only his wages to support his family, and would deny him the benefit of an exemption law. It is class legislation—and aimed at the weakest class.

We further submit the fact, that in States where wages are subject to garnishment the working man, who suffers misfortune is placed at the mercy of unscrupulous dealers and petty court officials. The court cost in garnishment cases are very heavy, often amounting to more than the debt.

Many large corporations will not keep in their employ a man who has a garnishment run on him. Unprincipled dealers know this, and often force the poor men to pay unjust and disputed claims rather than take chances of losing their positions.

If a poor man or a member of his family gets sick, and he falls a little behind with his bills he is liable to have his wages tied up by garnishment, with a heavy bill of costs to pay, while his family may be in absolute want. It was for such cases that the exemption was given,

and we appeal to you not to take it away from us.

To the plea that the proposed law makes only a portion of a man's wages subject to garnishment, we beg to say that the effect would be almost as bad as if all were taken. The court costs will be just as great, or even greater, because as only a portion of the debt will be collected at a time, more writs will be necessary, thus doubling and trebling the cost. And why is one-half of the wages asked, while the whole of the homestead and personal property exemption remain intact.

For the information of all members of the Legislature, further request that this petition be printed in the Journal of the House and Senate.

Respectfully,

T. J. Finerty.
T. R. Bertrand.
S. B. Cook.
W. E. Gilliam.
M. R. Baker.
C. H. Knopp.
A. J. Veazey.
I. C. Dougherty.
John McGowan.
Las J. Brennan.
R. B. Spanks.
Dr. K. Burford.
J. G. McCarthy.
H. J. Fowler.
J. D. Kidd.
N. Kissen.
Frank Foster.
J. T. Hurst.
Grover Mounger.
D. C. Ritchey.
J. L. Buckholts.
A. Ritter.
M. D. Chase.
L. M. Bell.
J. W. Hawkins.
R. A. Walker.
E. M. Hammond.
J. H. Dougherty.
L. H. Brunson.
H. E. O'Rourke.
L. M. Piek.
F. L. Conlon.
H. Fidler.
G. Weller.
H. Kisher.
J. B. Loftin.
T. H. Reneak.
B. T. Cude.
C. F. Kelley.
W. D. Geomay.
Chas. Gage.
Chas. Taylor.
J. W. Schultdardt.
R. N. Snow.
A. A. Murphy.
Geo. A. Woods.
S. P. Gaut.

G. E. Condrez.
 W. R. Toles.
 W. E. Monday.
 W. A. Saunders.
 W. M. Gilliam.
 C. S. Gray.
 H. F. Ivan, fireman.
 Hugh Robinson.
 W. C. Morgan.
 E. C. Roiello.
 C. E. Stroetmer.
 H. C. Sanders.
 R. Fitzsimmons.
 Geo. H. Willy.
 A. Davis.
 Wm. J. Laird.
 J. E. Bain.
 J. W. White.
 R. Watte.
 J. P. Davis.
 J. S. Williams.
 C. H. Coleman.
 Geo. W. Cook.
 Earl Taylor.
 R. H. Roberts.
 J. W. Mitchell.
 C. W. Phelps.
 W. Duty.
 J. A. Cook.
 B. R. Foster.
 J. B. Barnhill.
 H. Clarke.
 E. N. Hayes.
 J. C. Ware.
 J. W. Arnold.
 P. H. Bast.
 Wm. Givens.
 J. M. Meiner.
 J. M. Weldy.
 R. E. Wood.
 Wm. Plummer.
 Jessie Green.
 J. B. Reid.
 M. L. Sowers.
 C. B. Weaver.
 O. L. Marshall.
 W. T. Garwood.
 J. P. Doyle.
 F. L. Walker.
 M. M. Scroeder.
 J. W. Briggs.
 Leonard Kelley.
 Frank Brown.
 J. F. Atkins.
 Edmand Wellman.
 Sam Williams.
 J. T. Flint.
 Jas. Sawyer.
 Will McDavid.
 V. L. Abbott.
 D. D. Watson.
 B. C. Chalk.
 J. A. Reid.
 T. F. Hartkopf.
 H. H. Hinegher.
 B. F. Franklin.
 T. T. Chan.

J. N. Jones.
 M. Mulville.
 R. A. Harrison.
 E. P. Collin.
 W. D. Falconer.
 Wm. Fritz.
 G. W. Stover, engineer.
 J. S. Galleyby, engineer.
 W. T. Garrett, engineer.
 W. C. Park, mechanic.
 F. D. Tyrrell, machinist.
 C. W. Clarke, engineer.
 W. E. Brewer, fireman.
 T. P. O'Rourke, engineer.
 J. W. Cox, engineer.
 S. P. Rogers, engineer.
 S. P. Rogers, engineer.
 H. B. Dain, engineer.
 John Wehll, salesman.
 G. L. Sheay, conductor.
 G. W. Dalton.
 E. J. Bickle, fireman.
 H. Homberg, fireman.
 D. Payne, fireman.
 H. F. McGowan, fireman.
 R. R. Upton, fireman.
 J. W. Reed, fireman.
 W. R. Landers, fireman.
 R. S. Wooldridge, fireman.
 C. J. Robinson, fireman.
 A. S. Bowen, brakeman.
 C. E. Holmes.
 J. H. Farebain, brakeman.
 M. Flory.
 J. C. Bowers, engineer.
 A. J. McGowan, engineer.
 R. S. Wooten, fireman.
 Sam Peay.
 J. F. Kennary, engineer.
 J. C. Fitzpatrick.
 M. H. Young, engineer.
 Ed. Corrigan.
 Chas. Cain.
 H. R. Nunn.
 A. M. Hilliard, engineer.
 C. E. McAllister, engineer.
 J. L. McDaniels, engineer.
 C. E. Stanton, engineer.
 H. W. Hyson, engineer.
 H. E. Moore, engineer.
 L. Copeland, engineer.
 Geo. Brinklow, engineer.
 J. L. Butler, engineer.
 Wm. Leeson, engineer.
 L. Mooney, engineer.
 H. T. Lorrance, engineer.
 P. A. Neely, engineer.
 H. Garrett, engineer.
 Ed. Young, engineer.
 Ed. Howell, engineer.
 Carl Steffins, engineer.
 J. B. Lotten, engineer.
 Carl Steffins, engineer.
 B. D. Smith, engineer.
 Wm. Vickers, engineer.
 H. E. Stiller, engineer.
 Sam Hood, engineer.

B. F. Hudson, engineer.
 Thos. Kelly, engineer.
 C. W. Clark, engineer.
 Sam Peeple, engineer.
 John Peeple, engineer.
 B. M. Parrott, engineer.
 J. B. Parrott, engineer.
 Geo. Loughridge, conductor.
 Geo. Divyer, conductor.
 Dan Kelly, yardmaster.
 Joe Norris, yardmaster.
 C. E. Stafford, conductor.
 J. A. Lawson, engineer.
 J. R. Smith, engineer.
 W. T. Flint, engineer.
 W. H. Fletcher, engineer.
 T. Late, engineer.
 Jas. Gill, engineer.
 Wm. Brooks, engineer.
 Alex. Hallman, fireman.
 C. C. Porter, fireman.
 Horace Brooks, fireman.

Senator Faulk offered the following petition:

Corsicana, Tex., Feb. 12, 1903.

Hon. J. J. Faulk, Senate Chamber, Austin, Texas.

DEAR SIR: Herewith I enclose for your consideration a copy of certain resolutions passed by the board of directors of the Corsicana Commercial Club in regard to an appropriation for the St. Louis World's Fair Commission for Texas.

Very respectfully,
 J. B. SLADE,
 Secretary.

Resolved by the board of directors of the Corsicana Commercial Club, That it is proper and right for the Legislature of the State of Texas to appropriate a sum of money sufficient to enable the St. Louis World's Fair Commission for Texas to make such a display at St. Louis as would be creditable to our great State.

Resolved further, That we earnestly and heartily endorse such an appropriation and hope that it will be favored by the representatives of Navarro county in the Legislature.

Attest: J. B. SLADE,
 Secretary.

Senator Beaty offered the following:

Beaumont, Tex., Feb. 14, 1903.

J. T. Beaty, House of Representatives, Austin, Texas.

Whereas, There is now pending in the Legislature a resolution known as House Joint Resolution No. 13, having for its purpose the repeal of the law exempting current wages from garnishment; and

Whereas, We believe the repeal of this exemption would work great hardship upon the laboring classes, and place those who suffer misfortune at the mercy of unscrupulous dealers and petty court officials; and

Whereas, The singling out of the law exempting the workman's wages for attack, while the law exempting homesteads worth \$100,000 is not touched, is an unjust discrimination against the wage earner; therefore be it

Resolved by the Beaumont Trades Assembly, That we are unalterably opposed to House Joint Resolution No. 13, and call upon our Senator and Representatives in the Legislature to vote and work against same; and be it further

Resolved, That a copy of this resolution duly signed and attested, be sent at once to the Senator and Representatives in the Legislature from this district.

W. A. KOLLEY, Chairman.

W. H. PAULLAIN,

H. C. MARBLE, Secretary.

Committee.

By Senator Henderson (by request.)
 Petition for money to be reimbursed to members of the State Volunteer Guard expended by them.

Read first time, and referred to Committee on Claims and Accounts.

COMMITTEE REPORTS.

The following committee reports were offered

JUDICIARY NO. 1.

Committee Room,

Austin, Texas, February 12, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred,

Senate bill No. 167, A bill to be entitled "An Act to amend Articles 1131 and 1132, Chapter 4, Title XV, of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be referred to Judiciary Committee No. 2.

HANGER, Chairman.

JUDICIARY NO. 2.

Committee Room,

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 192, A bill to be entitled

"An Act to amend Article 608, Chapter 3, Title XV, of the Penal Code of Texas of 1895, relating to the crime of assault with intent to rape, and adding thereto Article 608a,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

Committee Room,

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 101, A bill to be entitled "An Act to amend Article 1132, Title XV, of the Code of Criminal Procedure of the State of Texas, relating to fees to be allowed county and district attorneys,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

Committee Room,

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 196, A bill to be entitled "An Act to better define the qualifications of voters, to prescribe the duties of officers of elections, and to make it a penal offense to use or attempt to use for the purpose of enabling one to vote, the poll tax receipt issued for another, and to fix a penalty therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

Committee Room,

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 154, A bill to be entitled "An Act to amend Article 63, Chapter 1 Title II, of the Code of Criminal Procedure of Texas, relating to the jurisdiction of courts,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

Committee Room,

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 150, A bill to be entitled "An Act to prohibit roping contests, and to prescribe a penalty for engaging in the same, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do not pass*.

PAULUS, Chairman.

Committee Room,

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 121, A bill to be entitled "An Act to prohibit the officers, agent or representative of any railroad corporation from giving free transportation over the lines of such railroads to any person other than the employes of such railroad, and to fix a penalty for the violations of the provisions of this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do not pass*.

PAULUS, Chairman.

Committee Room,

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 163, A bill to be entitled "An Act to amend Chapter 55 of the General Laws of the Twenty-fifth Legislature, entitled 'An Act to prohibit in certain cases the gathering of pecan nuts, and the cutting, injuring or destroying of pecan trees, and prescribing a penalty therefor,'"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do not pass*.

PAULUS, Chairman.

Committee Room,

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 123, A bill to be entitled

"An Act to provide for the appointment and qualification of official stenographers in the civil district, criminal district and county courts of the State of Texas, and to provide for their compensation,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

Committee Room,
Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 147, A bill to be entitled "An Act to protect the public grounds of the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

Committee Room,
Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 179, A bill to be entitled "An Act to amend Articles 1287 and 1288, of the Revised Civil Statutes of the State of Texas of 1895, relating to the trial of causes so as to fix a method for the setting thereof for trial, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

Committee Room,
Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 152, A bill to be entitled "An Act to amend Articles 513 and 514, of the Code of Criminal Procedure, relating to the issuance of subpoenas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

MINING AND IRRIGATION.

Committee Room,
Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 203, A bill to be entitled "An Act to provide for a mineral survey of the lands belonging to the public schools, university, asylums or of the State and other mineral lands within the State, and to make appropriation therefor, and to provide a penalty for unlawfully disclosing information obtained by such survey, and also declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

FAUBION, Chairman.

ENGROSSED BILLS.

Committee Room,
Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 79, A bill to be entitled "An Act to amend Article 3698, of Chapter 6, Title LXXIX, by fixing the minimum salaries of penitentiary guards of the State penitentiaries of Texas,"

And find the same correctly engrossed.

PATTESON, Chairman.

Committee Room,
Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 23, A bill to be entitled "An Act to better provide for the collection of judgment debts against cities and towns incorporated under the General Laws of this State,"

And find the same correctly engrossed.

PATTESON, Chairman.

Committee Room,
Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 110, A bill to be entitled "An Act to prevent the killing of ante-

lope and fix a penalty therefor, and to provide a rule of evidence."

And find the same correctly engrossed.
PATTESON, Chairman.

MILITARY AFFAIRS.

Committee Room,

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Military Affairs, to whom was referred

Senate bill No. 166, A bill to be entitled "An Act making it a misdemeanor to injure or destroy military arms, clothing, equipments or other military property, or to sell or to dispose of the same, or to use or wear any uniform or other military property belonging to the State or to the United States and issued by the State, except in performance of military duties, and to provide penalties therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HARPER, Chairman.

Committee Room,

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Military Affairs, to whom was referred

House Concurrent Resolution No. 7, Relative to the purchase of a site for a United States navy yard at the head of Galveston bay,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HARPER, Chairman.

Committee Room,

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Military Affairs, to whom was referred

Senate bill No. 200, A bill to be entitled "An Act to provide upon proper application for the annual inspection by the Adjutant General of the State of Texas, or by some officer or officers detailed by him for that purpose, of the military department of educational institutions, incorporated under the laws of the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HARPER, Chairman.

Committee Room,

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Military Affairs, to whom was referred

Senate bill No. 165, A bill to be entitled "An Act to provide for the organization of the Militia and the Texas National Guard, to prescribe the duties of the Governor, as commander-in-chief, and of other officers, and of the enlisted men thereof, to prescribe rules and regulations for the government thereof, and for calling the same into actual service when necessary, and to provide for the payment thereof, and to authorize the Governor to prescribe and publish further rules and regulations, to define offenses by officers and enlisted men, to prescribe penalties for such offenses and for violations of such rules and regulations, and to provide for the trial and punishment of such offenders, and to repeal all laws in conflict therewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HARPER, Chairman.

TREASURER'S AND COMPTROLLER'S DEPARTMENTS.

Committee Room,

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Treasurer's and Comptroller's Departments, to whom was referred

Senate bill No. 188, A bill to be entitled "An Act to provide for the correction of errors in assessment rolls and delinquent tax rolls,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

FAUST, Chairman.

Committee Room,

Austin, Texas, February 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 210, A bill to be entitled "An Act to incorporate the city of San Antonio, and to repeal an act of the Legislature of the State of Texas, approved August 13, 1870, entitled 'An Act to incorporate the city of San Antonio, and grant a new charter to said city,' and to repeal an act entitled 'An Act to incorporate the city of San Antonio,' approved

July 17, 1856, and an act entitled 'An Act to amend the act to incorporate the city of San Antonio,' approved February 11, 1860, and also to repeal all acts amendatory of said act approved August 13, 1870, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HICKS, Chairman.

Committee Room,
Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

House bill No. 130, A bill to be entitled "An Act making appropriations for deficiencies in the appropriations heretofore made for the support of the State government from March 1, 1900, to August 31, 1903, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and for other deficiencies; and to make additional appropriations for the support of the State government for the year ending August 31, 1903,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass* with the following amendments:

Section 1. Fees for county judges, etc., for the year ending February 28, 1901:

Registered	\$ 253 85
Estimated	100 00

\$ 353 85

Fees for county judges, etc., for the year ending February 28, 1901:

Registered	\$ 251 45
Estimated	100 00

\$ 351 45

Fees for county judges, etc., for the year ending August 31, 1902:

Registered	\$22,522 35
Estimated	1,403 76

\$23,926 10

Fees for attached witnesses for the year ending February 28, 1901:

Registered	\$ 55 89
Estimated	100 00

\$ 159 89

Fees for attached witnesses for the year ending August 31, 1901:

Registered	\$ 442 74
Estimated	500 00

\$ 900 00

Expenses attached and sub-witnesses, etc., for the year ending August 31, 1902:

Registered	\$39,177 38
Estimated	7,729 84

\$46,907 22

Salary of special judge for the year ending August 31, 1902:

Registered	\$ 3,641 48
Estimated	1,358 52

\$ 5,000 00

Fees and cost of sheriffs, etc., for year ending August 31, 1902:

Registered	\$31,879 82
Estimated	7,339 18

\$39,219 00

To refund to retail liquor dealers, etc., for the four years ending August 31, 1903:

Registered	\$19,820 87
Estimated	10,179 13

\$30,000 00

Court of Civil Appeals, First District:

Fuel, light and ice	\$ 100 00
Postage and box rent	50 00
Books for law library	100 00

\$ 250 00

Court of Civil Appeals, Second District:

To pay Geo. D. Barnard & Co. for record books and stationery for the year ending February 28, 1899, Def. W. No. 7-214-F

\$ 200 00

\$ 200 00

Court of Criminal Appeals:

To pay Clarke & Courts for record books and stationery for the year ending February 28, 1899, Def. W. No. 44-146 F

\$ 71 80

\$ 71 80

Railroad Commission:

Postage, stationery, books, telegraphing and express charges

\$ 150 00

\$ 150 00

Live Stock Sanitary Commission:		Blind Asylum:	
For maintenance	\$ 2,400 00	Groceries, provisions, supplies, printing, medicines; supplies for oculists, contingent and miscellaneous expenses	\$ 2,000 00
	\$ 2,400 00	Transportation for indigent pupils	200 00
General Land Office:		Fuel	700 00
Vellum, blue print and instruments for drafting department	\$ 200 00	Water and light	250 00
Telegraphing, towels and laundry	100 00	General repairs to building and grounds	1,200 00
Stationery, books, records and furniture	1,000 00	Dry goods and clothing	600 00
Contingent expenses	100 00	Repairing furnaces, boilers, etc.	500 00
To pay W. D. Twitchwell, State surveyor, for completing the work under contract and making map and field notes of land surveyed by him in Reeves county under Sections 3 and 4 of an act approved February 23, 1900.	408 20		\$ 5,450 00
	\$ 1,808 20	Public Buildings and Grounds:	
Comptroller's office:		Food for teams	\$ 200 00
Postage, telegraphing, express and office furniture	\$ 657 97		\$ 200 00
Contingent expenses	50 00	Confederate Home:	
	\$ 707 97	Maintenance of inmates	\$11,000 00
State Orphan Asylum:		Medicine, hospital stores and supplies	500 00
Fuel	\$ 500 00	Repairs and painting	500 00
Postage and stationery	40 00		\$12,000 00
General maintenance necessary to the support of the Home; this shall include the purchase of all bedding, clothing, furniture and other supplies necessary for the comfort and convenience of the inmates of the Home	9,460 00	Deaf, Dumb and Blind Asylum for Colored Youths:	
	\$10,000 00	For groceries and miscellaneous, including pay for the Board and mileage	\$ 1,000 00
State Lunatic Asylum:			\$ 1,000 00
Support, maintenance, groceries, fuel, light and water, pay of Board of Managers, including mileage and drugs, medical stores and surgical instruments	\$15,000 00	Court of Civil Appeals, First District:	
Dry goods and clothing	3,000 00	Fuel, lights, ice, for the year ending August 31, 1903, deficiency application hereto attached	\$ 75 00
	\$18,000 00		\$ 75 00
Southwestern Insane Asylum:		Court of Civil Appeals, Second District:	
Support, maintenance, groceries, fuel, light and water, pay of Board of Managers, including mileage, drugs, medical stores and surgical instruments	\$ 5,000 00	To pay Geo. Barnard & Co. for record books and stationery, account hereto attached in Mr. Boyles possession	\$ 173 47
	\$ 5,000 00		\$ 173 47
		Deaf, Dumb and Blind Asylum:	
		To pay Dr. M. M. Smith for medical attention for the year ending August 31, 1902, account attached	\$ 97 00
			\$ 97 00

Miscellaneous:	
To pay organized counties the amount due such counties on the unexpired leases of county school lands patented to such counties in cases where said lands were leased prior to the organization of such counties and the rental paid into the State treasury by lessees, payable out of the available school fund, to which fund such rentals have been credited.....	\$ 2,500 00
To pay Warren W. Moore, district attorney Districts Nos. 26 and 53, out of the general revenue, commissions in judgments in cause No. 16,778 in district court of Travis county, and styled State of Texas vs. Harde-man county, said judgment being for the sum of \$5,000.	300 00
For repairs and other expenses incident to the maintenance of the Governor's mansion..	750 00
	<hr/>
	\$ 3,550 00
For the purpose of distributing the new arms and equipments and for the purpose of collecting the old arms and equipments to be returned to the U. S. government, the sum of \$700, or as much thereof as may be necessary	\$ 700 00
	<hr/>
	\$ 700 00
To pay Volunter Guard for actual service:	
Accrued	\$ 1,892 00
Estimated	1,000 00
	<hr/>
	\$ 2,892 00

Sec. 2. The several claims mentioned in this bill shall be submitted to the Attorney General of the State for his approval before being paid.

WILSON, Chairman.

EXCUSED.

On motion of Senator Douglass, Senator Patteson was excused for non-attendance upon the Senate on yesterday, on account of important business.

BILLS AND RESOLUTIONS.

By Senator Harbison:

Senate bill No. 206, A bill to be entitled "An Act amending and re-enacting Articles 2912, 2922, 2923 and 2924 of Chapter 6, Title LII, Revised Statutes, em-

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powering the Commissioner of Agriculture, Insurance, Statistics and History, to gather and publish agricultural and stock statistics of the State, and adding Article 2924a, and making an appropriation therefor."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Davidson of DeWitt:

Senate bill No. 207, A bill to be entitled "An Act to regulate and define the fees of sheriffs in district court of the State of Texas for summoning special venires."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Davidson of DeWitt:

Senate bill No. 208, A bill to be entitled "An Act to define the status of joint stock associations and joint stock companies, and to provide that such associations and companies having any of the powers or privileges of corporations not possessed by individuals or partnerships shall be subject to all the laws of this State with regard to corporations."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hill:

Senate bill No. 209, A bill to be entitled "An Act to create the Sixty-third Judicial District of the State of Texas to be composed of the counties of Jeff Davis, Presidio, Brewster, Pecos, Val Verde, Kinney and Maverick, and to prescribe the time of holding terms of the district court in said district, and to transfer the district attorney of the Forty-first Judicial District to said new district, and to provide for the appointment of a district judge for the said Sixty-third Judicial District, and to reorganize the Forty-first and Thirty-fourth Judicial Districts, to prescribe a time of holding court therein, to provide for a district attorney for said Forty-first and Thirty-fourth Judicial Districts, to provide for a clerk of the district court of the Forty-first Judicial District, and to empower the district court of the Thirty-fourth Judicial District to empanel a grand jury for El Paso county, to transfer cases from their respective courts to the other said courts, to validate all writs and other process heretofore issued out of the district court of the said Forty-first and Thirty-fourth Judicial Districts, and to repeal all laws and parts of laws in conflict herewith."

Read first time, and referred to Committee on Judicial Districts.

By Senator Hicks:

Senate bill No. 210, A bill to be entitled "An Act to incorporate the city of San Antonio and to repeal an act of the Leg-

islature of the State of Texas, approved August 13, 1870, entitled 'An Act to incorporate the city of San Antonio and grant a new charter to said city,' and to repeal an act entitled 'An Act to incorporate the city of San Antonio,' approved July 17, 1856, and an act entitled 'An Act to amend the act to incorporate the city of San Antonio,' approved February 11, 1860, and also to repeal all acts amendatory of said act, approved August 13, 1870, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Faubion:

Senate bill No. 211, A bill to be entitled 'An Act to amend Section 1, Chapter 6, of an act entitled 'An Act to prescribe and define the liability of persons, receivers or corporations operating railroads or street railways, for injuries to their servants and employes, to define who are fellow servants, and to prohibit contracts between employer and employe based upon the contingency of the injury or death of the employe limiting the liability of the employer for damages, passed by the Twenty-fifth Legislature and approved June 18, 1897, so as to provide that every person, receiver or corporation operating a railroad or street railway, the line of which shall be situated in whole or in part in this State shall be liable for all damages sustained by any servant or employe thereof while engaged in the work of operating the cars, locomotives or trains, or who are engaged in work upon the tracks, bridges or yards, or in the shops of such person, receiver or corporation, by reason of the negligence of any other servant or employe of such person, receiver or corporation."

Read first time, and referred to Committee on Internal Improvements.

By Senator Paulus:

Senate bill No. 212, A bill to be entitled "An Act to amend Article 2439, Chapter 1, Title XLV, of the Revised Civil Statutes of the State of Texas, 1895, in reference to fees of office, to be charged and collected by certain State officers."

Read first time, and referred to Committee on Finance.

By Senator Paulus:

Senate bill No. 213, A bill to be entitled "An Act to amend Article 5243i, of Chapter 104, of the General Laws of the Twenty-fifth Legislature of the State of Texas, entitled 'An Act to amend Articles 5243e, 5243i, 5243j and 5243k, of Chapter 9, Title CIV, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and

to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State, for failure to pay the franchise tax levied by this act, and to define and prescribe the notice to be given to said corporations previous to such forfeiture, and to provide adequate penalties for the violation of this act," approved April 30, 1897."

Read first time, and referred to Committee on Finance.

By Senator Hale:

Senate bill No. 214, A bill to be entitled "An Act to authorize suits to be instituted in the name of the State of Texas, to declare void patents to land in Texas that have been fraudulently acquired."

Read first time, and referred to Committee on Public Lands.

By Senator Harper:

Senate bill No. 215, A bill to be entitled "An Act to create a more efficient road system for Limestone county, Texas, and making county commissioners of said county ex-officio road supervisors, and prescribing their duties as such, and providing their compensation as road supervisors, and defining the powers and duties of the commissioners court of said county, authorizing the issuance of bonds for road and bridge purposes, and providing for the levy of road and bridge tax, and fixing a penalty for the violation of this act and to repeal all laws in conflict with this act, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Hicks:

Senate bill No. 216, A bill to be entitled "An Act to incorporate the trustees of the independent school district of the city of San Antonio, Texas, under the name, 'San Antonio School Board,' with power to make contracts, to be a party to actions in courts, to receive gifts, grants, conveyances, donations or devises for use of public free schools of said city and district, and power to levy taxes, to issue and dispose of bonds, and provide for payment of same and to do all acts authorized by law."

Read first time, and referred to Committee on Towns and City Corporations.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 9, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 63, A bill to be entitled "An Act to prohibit the sale or gift of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication to habitual drunkards, and providing a penalty therefor."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Morning call concluded.

HOUSE BILLS READ AND REFERRED.

The Chair had referred, after their captions had been read, the following bills:

House bill No. 63, A bill to be entitled "An Act to amend Sections 5 and 13 of spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, to habitual drunkards, and providing a penalty therefor."

Referred to Judiciary Committee No. 2.

House bill No. 154, A bill to be entitled "An Act to amend Section 5 and 13 of an act passed by the Twenty-seventh Legislature, creating a special road system for the county of Coryell, and to repeal Section 8 of said act."

Referred to Committee on Roads, Bridges and Ferries.

BILL RECOMMITTED.

Senator Hicks moved that Senate bill No. 150 be recommitted to Judiciary Committee No. 2.

The motion prevailed.

SPECIAL ORDER (SENATE BILL NO. 180) SUSPENDED.

Senator Henderson moved that special order for this hour, Senate bill No. 180, be postponed, and made a special order for Tuesday, February 24th, immediately after morning call.

The motion prevailed.

PENDING BUSINESS—HOUSE CONCURRENT RESOLUTION NO. 8.

Action recurring on

House Concurrent Resolution No. 8, Providing for a joint committee to negotiate a purchase by the State of McArdle's battle painting, "The Battle of San Jacinto."

Whereas, The battle of San Jacinto, which occurred on the 21st of April, 1836, liberating Texas from the yoke of Mexican tyranny, is the most illustrious event in the history of Texas; and

Whereas, The noted artist, H. A. McArdle, whose great historical painting,

"Lee at the Wilderness," was destroyed in the burning of the old capitol building in 1881, which was a total loss to the author, as well as an irreparable loss to the public, has spent nearly a score of years in gathering material and data in order to perpetuate on canvas the great victory at San Jacinto, and has devoted seven years to the execution of the work, and has completed said painting, which now, by permission of the Senate of the Twenty-seventh Legislature, hangs in the Senate chamber in the capitol building in the city of Austin; and

Whereas, A wise public policy demands that the State of Texas should possess and keep in an appropriate place in the capitol building at Austin, a painting so valuable, not merely as a work of art, but as a treasury of Texas history not obtainable from books, and so well calculated to nurture and keep alive all the higher emotions of patriotism; and

Whereas, This great painting may pass into the hands of other parties, thereby putting it beyond the power of the State to possess it, which would be a great loss to this grand commonwealth; and

Whereas, The author is preparing and has been for a long time gathering material and data to engage in the production of another great painting as a companion piece to this one, viz., "The Fall of the Alamo," and the sale of the "San Jacinto Battle Painting" would contribute materially to a successful completion of the former; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a joint committee of ten be created, consisting of five members of the House and five members of the Senate, said committee to be appointed by the respective presiding officers of each house, whose duty it shall be to confer with the owner of said painting as to its purchase by the State, and to report the result of such investigation to the House and Senate, and to make such recommendations as said committee may see fit, with a view to incorporating in the general appropriation bill to be passed by this Legislature an appropriation to purchase said painting, provided an understanding as to its purchase can be reached.

(Senator Willacy in the chair.)

Senator Perkins offered the following amendment:

"Amend by striking out the preamble preceding the resolution."

The amendment was adopted.

Senator Perkins offered the following amendment:

"Amend by striking out all that part

of the resolution beginning with the words 'and to make such recommendations as said committee may see fit, with a view to incorporating in the general appropriation bill to be passed by this Legislature an appropriation to purchase said painting.'"

The amendment was adopted.

The resolution was then adopted.

SENATE CONCURRENT RESOLUTION NO. 4 SIGNED.

The Chair (President Pro Tem. Davidson of DeWitt) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read:

Senate Concurrent Resolution No. 4: Resolved, That the chairman of the Committee on Educational Affairs shall appoint two members of the said committee who, with himself, shall constitute a sub-committee to act with a sub-committee of the House Committee on Education, the committees of both houses to prepare a bill which shall comprise a revision of the general school laws, the bill thus prepared to be introduced concurrently in both houses as soon as practicable.

REGULAR ORDER SUSPENDED.

On motion of Senator Faubion, the regular order of business (Senate bill No. 33) was suspended, and the Senate took up Senate Concurrent Resolution No. 5.

The Chair laid before the Senate Senate Concurrent Resolution No. 5, A concurrent resolution instructing the Committee on Asylums of both Senate and House of Representatives, to form a bill and report the same to their respective bodies, looking toward an adequate provision for the adult blind of the State.

The resolution was adopted.

(President Pro Tem. Davidson of DeWitt in the chair.)

SENATE BILL NO. 33.

The Chair laid before the Senate, on its second reading,

Senate bill No. 33, A bill to be entitled "An Act to amend Articles 402, 403, 404, 405, 406 and 407, of Chapter 6, Title XI, Penal Code, and add thereto Article 407a, relating to unlawful selling any intoxicating liquor."

Senator Hale moved that further consideration of the bill be postponed for the present, and it be made a special order for Tuesday morning, February 24th, after action on Senate bill No. 180.

The motion prevailed.

PENDING BUSINESS SUSPENDED.

On motion of Senator Paulus, pending business (House bill No. 22) was suspended, and the Senate took up, out of its order, House bill No. 14.

Inasmuch as the bill had not been printed,

Senator Paulus moved to reconsider the vote by which pending business was suspended.

The motion prevailed.

SENATE BILL NO. 193.

On motion of Senator Savage, pending business (House bill No. 22) was suspended, and the Senate took up, out of its order, Senate bill No. 193.

The Chair laid before the Senate, on its second reading,

Senate bill No. 193, A bill to be entitled "An Act to amend Article 3385, Title LXIX, of the Revised Civil Statutes of the State of Texas, of 1895, so as to except from the operation of said article merchants doing a wholesale drug business who sell alcoholic stimulants to retail merchants whose regular and principal business is selling drugs and medicines and compounding prescriptions, and declaring an emergency."

(Senator Willacy in the chair.)

Senator Stafford offered the following amendment:

"Amend Article 3385, in line 21, after the word 'business' the words 'and ice plants.'"

Senator Patteson moved that further consideration on the bill and amendment be postponed until Thursday morning, February 26.

Senator Perkins made a substitute motion to postpone indefinitely.

Senator Douglass made a point of order that a motion to postpone indefinitely should not have precedence over a motion to postpone to a certain time.

The Chair overruled the point of order.

Senator Perkins's motion was lost by the following vote:

Yeas—13.

Brachfield.	Hicks.
Cain.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Hanger.	Perkins.
Harper.	Stafford.
Henderson.	

Nays—16.

Beaty.	Hale.
Davidson of	Harbison.
DeWitt.	Hill.
Douglass.	Lipscomb.
Faubion.	Mills.
Grinnan.	Morris.

Patteson. Willacy.
Savage. Wilson.
Sebastian.

Absent.

Davidson of Decker.
Galveston.

Question recurring on the motion to postpone until Thursday morning, February 26.

The motion prevailed.

SENATE BILL NO. 157 ON SECOND READING.

On motion of Senator Davidson of DeWitt, pending business (House bill No. 22) was suspended, and the Senate took up, out of its order, Senate bill No. 158.

The Chair laid before the Senate, on its second reading,

Senate bill No. 158, A bill to be entitled "An Act to amend Article 643 of the Revised Statutes of the State of Texas, prescribing what must be set forth in the charter of a domestic corporation.

The bill was read second time, and ordered engrossed.

(President Pro Tem. Davidson of DeWitt in the chair.)

HOUSE BILL NO. 22.

The Chair laid before the Senate, on its second reading,

House bill No. 22, A bill to be entitled "An Act to amend Article 2366, of the Revised Civil Statutes of the State of Texas, of 1895, and to repeal Article 2367 of said statutes, fixing the manner of advertising sales of real estate under execution, etc."

Senator Paulus offered the following amendment:

"Amend by striking out all after the enacting clause and insert the following:

"Section 1. That Article 2366 of the Revised Statutes of the State of Texas shall hereafter read as follows:

"Article 2366. The time and place of making sale of real estate under execution, order of sale, or venditioni exponas, shall be advertised by the officer having the notice thereof published in the English language once a week for three consecutive weeks preceding such sale in some newspaper published in said county. The first of such publications shall appear not less than sixteen days immediately preceding the day of sale. Said notice shall contain a statement of the authority by virtue of which the sale is made, the time of the levy and the time and place of sale, shall state the locality of the property, giving a brief description thereof sufficient to enable it to be reasonably known and identified. The fees allowed for such publications shall

be seventy-five cents per one hundred words for the first insertion, and fifty cents per one hundred words for each of the two subsequent insertions, such fee to be taxed and paid as other costs. If there be no newspaper published in the county, or none the publisher of which will publish the notice of sale for the compensation herein fixed, the officer shall then post such notice in writing in three public places in the county, one of which shall be at the court house door of such county, for at least twenty days successively next before the day of sale.

"Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed."

The amendment was adopted.

Senator Harper offered the following amendment:

"Amend by adding after the word 'county,' in line 19, page 1, 'and shall deliver or mail to the defendant or defendants in execution a copy of such notice of sale.'"

The amendment was adopted.

The bill was read second time, and passed to a third reading.

PENDING BUSINESS (HOUSE BILL NO. 97) SUSPENDED.

On motion of Senator Brachfield, the pending business (House bill No. 97) was suspended, and the Senate took up, out of its order, Senate bill No. 184.

The Chair laid before the Senate, on its second reading,

Senate bill No. 184, A bill to be entitled "An Act to amend Article 386c, Chapter 18, Title I, Revised Civil Statutes of Texas, 1895, relating to validating certain incorporated cities and towns, and declaring an emergency."

Bill was read second time, and ordered engrossed.

On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

. Yeas—28.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of Lipscomb.	
DeWitt.	Martin.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.
Harper.	

Absent.

Davidson of McKamy.
Galveston. Stafford.

The bill was read third time, and passed by the following vote:

Yeas—29.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of Lipscomb.	
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Morris.
Faulk.	Patteson.
Faust.	Paulus.
Grinnan.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Harbison.	Willacy.
Harper.	Wilson.

Absent.

Davidson of Stafford.
Galveston.

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

PRIVILEGED REPORT.

Committee Room,

Austin, Texas, February 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 4:

Resolved, That the chairman of the Committee on Educational Affairs shall appoint two members of the said committee who, with himself, shall constitute a sub-committee to act with a sub-committee of the House Committee on Education to prepare and submit to a joint session of the educational committees of both houses a bill which shall comprise a revision of the general school laws, the bill thus prepared to be introduced concurrently in both houses as soon as practicable,

And find the same correctly enrolled, and have this day, at 11:20 o'clock a. m., presented the same to the Governor for his approval.

HALE, Chairman.

HOUSE BILL NO. 22 RECONSIDERED.

Senator Hale moved to reconsider the vote by which House bill No. 22 was passed to a third reading.

The motion prevailed.

Senator Hale offered the following amendment:

"Amend by adding after the word 'county,' in line 19: 'Provided that whenever real property shall be levied upon by virtue of an execution, or shall be subject to any order of sale or venditioni exponas, if the plaintiffs in execution, or either of them, shall at any time prior to the issuance of said execution or order of sale or venditioni exponas, or the defendants in execution or either of them, at any time within five days after the issuance thereof, request in writing the clerk or justice of the peace issuing such execution, order of sale or venditioni exponas, that notice of the sale be published in a newspaper, the same shall be so published, if there be a newspaper published in the county, that will publish the same for the compensation allowed herein.'"

Senator Sebastian offered the following amendment to the amendment:

"Strike out all after the word 'if,' in line 12 of the amendment down to and including the word 'exponas,' in line 14; also the words 'or either of them,' in line 15 of the amendment.'"

The amendment to the amendment was adopted, and

The amendment as amended was adopted.

The bill was read second time, and passed to a third reading.

On motion of Senator Hicks, the Senate at 1:40 o'clock took a recess until 3 o'clock.

AFTER RECESS.

SENATE BILL NO. 175.

On motion of Senator Hicks pending business,

House bill No. 97, A bill to be entitled "An Act to transfer Red River county from the community school system to the district school system, and to authorize and empower said county to organize and conduct all its public free schools under the district school system as provided by law now in force,"

Was suspended, and the Senate took up out of its order,

Senate bill No. 175, A bill to be entitled "An Act to amend Sections 4, 5, 6, 8 and 13, of Chapter 12, of the Laws of the Twenty-seventh Legislature, which became effective on the 9th day of July, 1901,"

With the following committee amendment:

"Amend by striking out all after the word 'character' down to and including the word 'years' in Section 6.'"

On motion of Senator Hicks, the committee amendment was adopted.

(Senator Brachfield in the chair.)

Senators McKamy, Hanger and Savage offered the following amendment:

"Amend by adding after the word 'midwife,' in line 27, the following: 'Provided, that the provisions of this act do not apply to persons treating disease who do not prescribe or give drugs or medicine.'"

Pending discussion on the adoption of the amendment,

Senator Hale moved that further consideration of the bill be postponed until Wednesday morning, February 25th, after morning call.

The motion prevailed.

HOUSE BILL NO. 97—SECOND READING.

The Chair laid before the Senate, on its second reading,

House bill No. 97, A bill to be entitled "An Act to transfer Red River county from the community school system to the district school system, and to authorize and empower said county to organize and conduct all its public free schools under the district school system as provided by law now in force,"

The bill was read second time, and passed to a third reading.

(President Pro Tem. Davidson of DeWitt in the chair.)

SENATE BILL NO. 141.

On motion of Senator Beaty pending business (Senate bill No. 5) was suspended, and the Senate took up out of its order Senate bill No. 141.

The Chair laid before the Senate, on second reading,

Senate bill No. 141, A bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the city of Beaumont, to grant it a special charter and to fix its boundaries, passed by the Twenty-sixth Legislature, Chapter 12, of the Special Laws of the said Legislature, approved May 12, 1899, by amending Sections 28 and 36 of said act, and by adding thereto Sections 28a, 28b, 28c, 28d, 28e, 28f, 28g, 36a, 36b, 36c, 36d, 36e, 36f, 36g, 36h, 36i, 36j, defining the jurisdiction and power of the city council with reference to streets, alleys, public grounds and highways; and the duty of said council in letting contracts for works of improvement and public works, in the said city of Beaumont, and by said additional sections defining the jurisdiction of the city council and liability of the citizens of said city with reference to the construction of sidewalks and

pavements on the public streets and highways of said city; and providing a general system to secure the construction of sidewalks and pavements on public streets and highways of the said city, and the manner whereby due and proper proceedings may be had in order to fix the liability of property owners in respect to such sidewalks and pavements; and providing a method for the collection of such amounts as may become due the city in this connection; and declaring an emergency.'"

Bill was read second time, and ordered engrossed.

On motion of Senator Beaty, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Harbison.	Willacy.
Harper.	Wilson.

Absent.

Davidson of	Morris.
Galveston.	Stafford.
Grinnan.	

Bill was read third time, and passed by the following vote:

Yeas—27.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Harbison.	Willacy.
Harper.	Wilson.

Absent.

Davidson of	Morris.
Galveston.	Stafford.
Grinnan.	

Senator Beaty moved to reconsider the

vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

JOURNALS ORDERED.

Senator Hanger moved that the Sergeant-at-Arms be instructed to have three thousand copies of the Journal of Friday, February 13th, and Tuesday, February 17th, printed and bound together.

The motion prevailed.

SENATE BILL NO. 28.

On motion of Senator Paulus, pending business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, Senate bill No. 28.

The Chair laid before the Senate, on its second reading,

Senate bill No. 28, A bill to be entitled "An Act to amend Article 483a, of Chapter 4, Title XVIII, of the Revised Civil Statutes of the State of Texas, 1895, relating to the power of city councils of a town or city having less than three thousand inhabitants, to dispense with the office of city marshal."

Bill was read second time, and ordered engrossed.

On motion of Senator Paulus, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Decker.	Mills.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Hanger.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.

Nays—1.

Hale.

Absent.

Davidson of	Grinnan.
Galveston.	Morris.

The bill was read third time, and passed by the following vote:

Yeas—26.

Brachfield.	Decker.
Cain.	Douglass.
Davidson of	Faubion.
DeWitt.	Faulk.

Faust.
Hanger.
Harbison.
Harper.
Henderson.
Hicks.
Hill.
Lipscomb.
Martin.
McKamy.

Mills.
Patteson.
Paulus.
Perkins.
Savage.
Sebastian.
Stafford.
Willacy.
Wilson.

Nays—2.

Beaty.

Hale.

Absent.

Davidson of	Grinnan.
Galveston.	Morris.

Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASON FOR VOTING.

"We vote 'no' on Senate bill No. 28 because we are of the opinion that it is unconstitutional.

"BEATY,
"HALE."

Senator Faulk offered an account and had it referred to Committee on Claims and accounts.

(Senator Stafford in the chair.)

SENATE BILL NO. 5—REGULAR ORDER.

The Chair laid before the Senate, on its second reading, regular order,

Senate bill No. 5, A bill to be entitled "An Act to amend Article 5080, Chapter 2, Title CIV, of the Revised Civil Statutes of the State of Texas, by adding a new article to be known as Article 5080a."

Senator Savage moved that it be laid on the table subject to call.

The motion prevailed.

ADJOURNMENT.

On motion of Senator Sebastian, the Senate, at 4:35 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

TWENTY-FIFTH DAY.

Senate Chamber,
Austin, Texas, Friday, Feb. 20, 1903.

Senate met pursuant to adjournment. President Pro Tem. Davidson of DeWitt in the chair.

Roll call. Quorum present, the following Senators answering to their names: